IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15562 of 2004

Between:

Dr. K. Jaya Shankar, S/o. Late Sri K. Lakshmikantha Rao,
English and Foreign Languages, R/o.Hanamakonda, Warangal District.

..... PETITIONER

AND

The Central Institute of English and Foreign Languages,

Osmania University Campus,
Hyderabad, Rep. by its Registrar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus directing the Respondent -Institute herein to pay pension and Pensionary benefits to the Petitioner benefits to the Petitioner in terms of the Proceedings No. CIEFL/ADMN/F.1089/2002 dated 13-2-2002 forthwith.

Counsel for the Petitioner: Mr. MANOHAR REDDY NANDYALA

Counsel for the Respondent: Mr. M.RAMA RAO

The Court at the admission stage made the following ORDER:

The petitioner worked in the Education Department from 1958 to 1982. In the year 1982, he was appointed as a Registrar of the respondent-Institute and left the service of the respondent-Institute in December, 1991 by virtue of his appointment as Vice-Chancellor in Kakathiya University, Warangal. The petitioner is deemed to have retired from the service of the respondent-Institute in August,1992. The petitioner contends that he is entitled for the benefit of pension scheme by counting the service rendered by him in the respondent-Institute and the Education Department. There was a dispute regarding the option given by the petitioner. The petitioner contends that he opted for the pension scheme, whereas, the respondent contends that the petitioner opted for CPF scheme. The respondent-Institute passed an order on 13-2-2002 to the effect that the pensionary benefits may be extended to the petitioner under pension scheme (GPF). The respondent addressed a letter to the University Grants Commission on 26-03-2004 regarding the settlement of pension of the petitioner and the University Grants Commission through its letter dated 29-07-2004 informed the respondent-Institute that the University Grants Commission expressed its inability to permit the change of option of the petitioner from CPF to GPF at this stage. Therefore, the petitioner approached this Court seeking a direction to the respondent-Institute to pay the pension and other benefits to him in terms of the proceedings of the respondent-Institute dated 13-2-2002.

The learned counsel for the respondent submits that when the options were called from all the employees of the respondent-Institute, the petitioner submitted an option form on 31-3-1999 opting for continuation in contributory provident fund (CPF) scheme and as the University Grants Commission did not approve the action of the respondent-Institute to extend the benefit of pension scheme, the respondent-Institute is not in a position to accept the request of the petitioner for extension of the pension scheme. The learned counsel for the respondent further submits that the options from the employees of the respondent-Institute were called thrice, but the petitioner did not change his option and his option for CPF is still in force. Therefore, the respondent-Institute is not in a position to take any further steps regarding the request of the petitioner for the extension of the benefit of pension scheme.

In the light of the above circumstances, the petitioner is not entitled for any relief in this Writ Petition. But, the petitioner is at liberty to submit an application to the University Grants Commission through the respondent-Institute regarding his

request for extension of the benefit of pension scheme and on making such an application, the respondent-Institute may take necessary steps to forward the said application to the University Grants Commission and it is for the University Grants Commission to pass appropriate orders according to the rules in force.

Accordingly, the Writ Petition is disposed of.

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(Dr. G.YETHIRAJULU,J)

26th October, 2004.

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To

1. The Registrar,

Central Institute of English and Foreign Languages,

Osmania University Campus,
Hyderabad.

2. Two CD Copies.